

Bargaining 101

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Leading up to our central table negotiations, which will commence around March of 2010, our newsletters will dedicate ongoing articles about the process of bargaining. This article is the first of that series.

The MAHCP is the legally certified bargaining agent for more than 3600 health care professionals in Manitoba. The process of certification along with all other processes of labour relations between employers and unions is governed by the Labour Relations Act of Manitoba.

In order to be certified, the Manitoba Labour Board has to be satisfied that the majority of employees in a bargaining unit want the MAHCP to represent them in collective bargaining. Most of our certificates were issued in the late 1990's and early 2000's. They were the result of votes ordered by the Manitoba Labour Board intended to rationalize the technical/professional/paramedical bargaining units in the newly created Regional Health Authorities.

The votes gave employees a choice as to which union they wished to have represent them. Those votes saw the MAHCP more than doubled in size when the vast majority of employees employed in the technical/professional/paramedical bargaining units selected it over other unions.

In Winnipeg the MAHCP now represents all but a few members in these units and outside of Winnipeg the majority of those employed in Health Authorities are members of the MAHCP.

With certification comes MAHCP's legal right to be the exclusive bargaining agent for all employees in the bargaining unit, whether they chose to become MAHCP member or not. Certification means the employer no longer has the right to settle wages and working conditions unilaterally or directly with any employee in the bargaining unit. By law it is obligated to only negotiate with the MAHCP. Those negotiations ultimately result in a collective agreement that details all terms and conditions of employment of our members in the workplaces where we are certified.

For a number of years, the MAHCP has negotiated most of our collective agreements at what we call the central table. Central table negotiations brings a number of bargaining units and a number of employers to one bargaining table to negotiate all of the collective agreements concurrently. The advantage of this process is that most of the language and benefits contained in these collective agreements are common;

ensuring that our members employed in the same discipline can expect to have the same terms and conditions of employment within any of the MAHCP bargaining units they may chose to work within.

Central table negotiations can only occur when both the employer and the bargaining agent mutually agree to proceed with negotiations that way; they cannot be compelled to negotiate at the central table. If either party removes its consent, the other party is obligated to negotiate that collective agreement independently.

A central table Negotiations Committee is established within the guidelines of the MAHCP constitution and policies comprised of MAHCP members, Staff Representatives, Board Members, MAHCP staff, the MAHCP President and Executive Director. We will be seeking nominations for the Negotiations Committee, which will be responsible for the negotiations of our upcoming central table contracts. Nomination forms will be contained in our March and June 2009 issues of the newsletter.

The June newsletter will contain an extensive bargaining survey that we need all members to complete. The information from the survey will be crucial for your negotiations team.

The negotiations committee will consider all issues that have been identified as needing attention in this round of bargaining. Sources of that information include concerns raised by members through the duration of this agreement, items we couldn't achieve at last bargaining, issues identified as problematic by the Labour Relations staff, failed grievances, current trends in salary and collective agreements across the Province and nationally, as well as the survey.

With all of that information the Negotiations Committee develops a proposals package. That package is then shared with the membership through their staff representatives.

The MAHCP can serve notice to the employers of its desire to negotiate a new collective agreement not more than ninety, nor less than thirty, days prior to the expiry of our current collective agreement (March 31, 2010). Once notice is served dates are arranged between the parties to exchange their respective contract proposals and to commence the bargaining process.

Negotiating our central table collective agreements is a complex and time consuming process. There are more than 160 different occupational classifications within our agreements, all of which may have uniqueness's that need be addressed in bargaining. Bargaining cannot be rushed and it is not uncommon for the negotiations process to take many months before a final offer is placed before the Negotiating Committee. Ideally a point comes where the Committee has been able to negotiate a new collective agreement that it can recommend that the membership vote to accept.

However, this doesn't always happen. In those situations the committee must decide what they believe is the best course of action to achieve a collective agreement that would meet members' expectations and needs. Processes available to them include; conciliation and mediation where an independent third party meets with the MAHCP and the employers to see if they can help broker a tentative agreement; whether binding arbitration is an option worth considering to resolve the outstanding issues, or; whether they return to membership, recommending rejection of the package and seek authorization to proceed with strike action.

Any of the collective agreements negotiated at the central table are subject to ratification or rejection by each of the individual bargaining units. The MAHCP members within your bargaining unit ultimately determine whether the agreement negotiated at the central table is, or is not, acceptable to you.

That also applies to whether members elect to take strike action to leverage the employers to negotiate a collective agreement that meets their expectations. How other members vote in other bargaining units does not determine what occurs with your agreement at your workplace.

In the next issue of the newsletter we will continue to examine the collective bargaining process.